

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GREAT HOST INTERNATIONAL, INC.
d/b/a ANDALUCIA NUTS,

Plaintiff,

Civil Case No. 18-cv-11163
Honorable Linda V. Parker

v.

NATIONAL FOOD GROUP, INC.,

Defendant.

ORDER OF TRANSFER

This matter is before the Court on an Order of Transfer from the United States District Court for the Southern District of Texas. (ECF No. 2.) For the reasons stated below, this matter shall be transferred to the United States District Court for the Southern District of Texas, Houston Division.

National Food Group, Inc. (“NFG”) filed a declaratory judgment action before this Court on November 13, 2017. (*Nat’l Food Group, Inc. v. Great Host Int’l, Inc. d/b/a Andalucia Nuts*, 17-cv-13686, ECF No. 1.) Subsequently, on November 20, 2017, Great Host International, Inc. (“Andalucia”) initiated its own lawsuit in Texas state court. (ECF No. 1-3.) On December 27, 2017, NFG removed the Texas state case to the Southern District of Texas, based on diversity jurisdiction. (ECF No. 1 at Pg ID 1-5.) In the Texas case, NFG filed a motion to

dismiss, or to transfer venue to the Eastern District of Michigan based on the first-to-file rule. The Texas court granted NFG's motion and transferred the case to this Court based on the first-to-file rule and reserved on the issue of proper venue, stating “[w]hether the circumstances alleged by [Andalucia] should prevent consolidation or merit a return to this Court are proper matters for the Michigan court to decide.” (ECF No. 2 at Pg ID 52.) In an Opinion and Order dated July 16, 2018, this Court dismissed NFG's action, finding the basis of its lawsuit improper and declined to apply the first-to-file rule. (*See Nat'l Food Group, Inc. v. Great Host Int'l, Inc. d/b/a Andalucia Nuts*, 17-cv-13686, ECF No. 21.).

Therefore,

IT IS ORDERED that this case shall be **TRANSFERRED** to the United States District Court for the Southern District of Texas, Houston Division.

IT IS FURTHER ORDERED that the Clerk shall mail a copy of this Order of Transfer to the Clerk of the United States District Court for the Southern District of Texas, Houston Division.

IT IS SO ORDERED.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: July 16, 2018

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, July 16, 2018, by electronic and/or U.S. First Class mail.

s/ R. Loury
Case Manager